

HOUSE BILL 569

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Daniel R. Foley

AN ACT

RELATING TO THE OIL AND GAS ACT; PROVIDING THAT CERTAIN CIVIL PENALTIES MAY BE LEVIED ONLY IN AN ACTION BROUGHT IN THE DISTRICT COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 70-2-31 NMSA 1978 (being Laws 1981, Chapter 362, Section 1) is amended to read:

"70-2-31. VIOLATIONS OF THE OIL AND GAS ACT--PENALTIES.--

A. Any person who knowingly and willfully violates any provision of the Oil and Gas Act or any provision of any rule or order issued pursuant to that act shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for each violation. ~~[For purposes of this subsection, in the case of a continuing violation, each day of violation shall constitute a separate violation.]~~ The penalties provided in

.165239.1

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 this subsection shall be recoverable by a civil suit filed by
2 the attorney general in the name and on behalf of the
3 commission or the oil conservation division of the energy,
4 minerals and natural resources department in the district court
5 of the county in which the defendant resides or in which any
6 defendant resides if there ~~[be]~~ is more than one defendant or
7 in the district court of any county in which the violation
8 occurred. The payment of ~~[such]~~ the penalty shall not operate
9 to legalize any illegal oil, illegal gas or illegal product
10 involved in the violation for which the penalty is imposed or
11 relieve a person on whom the penalty is imposed from liability
12 to any other person for damages arising out of ~~[such]~~ the
13 violation.

14 B. For purposes of Subsection A of this section, in
15 the case of a continuing violation, each day of violation shall
16 constitute a separate offense, except that a cumulative civil
17 penalty against one person may exceed one thousand dollars
18 (\$1,000) only if the penalty is levied by the district court
19 for the county in which the defendant resides, or in which any
20 defendant resides if there is more than one defendant, in an
21 action brought by the commission or the oil conservation
22 division of the energy, minerals and natural resources
23 department.

24 ~~[B.]~~ C. It is unlawful, subject to a criminal
25 penalty of a fine of not more than five thousand dollars

.165239.1

underscoring material = new
[bracketed material] = delete

1 (\$5,000) or imprisonment for a term not exceeding three years
2 or both such fine and imprisonment, for any person to knowingly
3 and willfully:

4 (1) violate any provision of the Oil and Gas
5 Act or any rule, regulation or order of the commission or the
6 oil conservation division of the energy, minerals and natural
7 resources department issued pursuant to that act; or

8 (2) do any of the following for the purpose of
9 evading or violating the Oil and Gas Act or any rule,
10 regulation or order of the commission or the oil conservation
11 division issued pursuant to that act:

12 (a) make any false entry or statement in
13 a report required by the Oil and Gas Act or by any rule,
14 regulation or order of the commission or oil conservation
15 division issued pursuant to that act;

16 (b) make or cause to be made any false
17 entry in any record, account or memorandum required by the Oil
18 and Gas Act or by any rule, regulation or order of the
19 commission or oil conservation division issued pursuant to that
20 act;

21 (c) omit or cause to be omitted from any
22 such record, account or memorandum full, true and correct
23 entries; or

24 (d) remove from this state or destroy,
25 mutilate, alter or falsify any such record, account or

.165239.1

underscoring = new
~~[bracketed material]~~ = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

memorandum.

~~[G-]~~ D. For the purposes of Subsection ~~[B]~~ C of this section, each day of violation shall constitute a separate offense.

~~[D-]~~ E. Any person who knowingly and willfully procures, counsels, aides or abets the commission of any act described in Subsection A or ~~[B]~~ C of this section shall be subject to the same penalties as are prescribed ~~[therein]~~ in those subsections."